

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3136 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

ABDUL RAUF HAJI ABDULKARIM KHEDAPAWALA

Versus

MAMLATDAR SANTRAMPUR

Appearance:

MR SK BUKHARI for Petitioner

MR BD DESAI, A.G.P., with MR. MR ANAND, G.P., for
the respondents

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 18/10/96

ORAL JUDGEMENT

Rule. Service of Rule waived by Mr.B.D.Desai,
learned A.G.P. with Mr.M.R.Anand, learned G.P., on behalf
of the respondents.

2. Heard. The prayer in this petition under Article
226 of the Constitution of India, reads as under :

"Hon'ble Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents No.1 and 2 to make payment of price of 21 Quintal of wheat by taking into consideration the price of 36 Quintal of wheat of Rs.11,200/- as deposited by the respondents No.1 and 4."

3. It has been submitted on behalf of the petitioner that the aforesaid prayer arises from the order passed by the Deputy Collector, Dahod, on 31.1.1996 pursuant to the decision in petitioner's Appeal rendered by the Joint Secretary, Food and Civil Supply Department, Government of Gujarat. In spite of such direction the concerned officers/employees are not following the same. According to the direction 15 bags of wheat were required to be confiscated and 21 bags of wheat were required to be released. One bag contained one quintal of wheat, as submitted by the learned Advocate for the petitioner. In that view of the matter the aforesaid prayer in the petition deserves to be granted.

4. The next prayer is consequential prayer. The petitioner might pray for investigation into the matter and appropriate action, if there is no compliance of the direction even after this petition is disposed of. Following order is, therefore, passed :

The respondents No.1 & 2 are directed to release the wheat bags (21 in number) each containing one quintal of wheat within a period of two weeks from the date of receipt of this direction, failing which they shall make payment of value of such wheat.

Rule made absolute in the aforesaid terms. No order as to costs.

Direct service permitted.